

APPLICATION NUMBER: 22/01492/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01492/ANM	Aimee Bovaird	9 January 2023

Address: Middleton Citizens Advice Bureau Street Middleton M24 5TU

Proposal: Non-material amendment to planning permission 20/00567/FUL for alteration to pitched roof to a mono-pitch roof and insertion of additional windows to side elevations

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	
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CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 20.01.23

SITE

This application relates to the site at the former Middleton Citizens Advice Bureau, now two sets of two semi-detached dwellings which are under construction following the granting of planning permission 20/00567/FUL.

The site is located at the former Middleton Citizens Advice Bureau, Milton Street. This location is in Middletown Town Centre Conservation Area.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 20/00567/FUL for the demolition of former Citizens Advice Bureau (CAB) offices and erection of four dwellings (part retrospective) - Resubmission 19/01388/FUL. The amendment comprises the alteration to both type A and type B houses. The pitched roof is changing to a mono-pitch roof on the side elevation of the dwelling which contains the utility room on the ground floor and an ensuite on the first floor. The roof is being increased in height. On the same elevation three additional windows are being inserted on each floor level in a vertical line.

RELEVANT PLANNING POLICY

Local Planning Authorities are enabled to make changes to planning permission; 1990 Planning Act (as amended), section 96A provides:

96A Power to make non-material changes to planning permission

(1) A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

It is clear that provided *they are satisfied* that the change is not material Rochdale BC can *make a change* to the original permission.

RELEVANT SITE HISTORY

20/00567/FUL – Demolition of former Citizens Advice Bureau (CAB) offices and erection of four dwellings (part retrospective) - Resubmission 19/01388/FUL – Grant

20/01479/DOC - Submission of details to comply with conditions 4, 5, 6, 7, 8 and 9 of planning permission 20/00567/FUL – RC

19/01388/FUL - Demolition of former Citizens Advice Bureau (CAB) Offices and erection of five dwellings (part retrospective) – Refuse

17/00408/FUL - Demolition of former Citizens Advice Bureau (CAB) Offices and erection of six apartments – Grant

13/00499/FUL - Change of use of premises from offices to care home for vulnerable adults (use class C2) - Grant

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

ANALYSIS

The site is on the former Middleton Citizens Advice Bureau and consists of four dwellings (part retrospective) granted under reference 20/00567/FUL. This approved detailed planning permission for Demolition of former Citizens Advice Bureau (CAB) offices and erection of four dwellings (part retrospective) - Resubmission 19/01388/FUL

Paragraph 002 to section 17a of the National Planning Practice Guidance (NPPG) states that:

'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990'.

Therefore, the purpose of the application is to seek the Council's determination as to whether the changes to the previously approved plans are sufficiently material in their nature and in the context of the approved development so as to require a fresh planning permission or not. Non-material amendment applications are not an application for planning permission, do not result in the issuing of a new planning permission and relate only to the amendments sought.

Paragraph 008 to section 17a of the NPPG states that in making decisions on non-material amendment applications, the local planning authority should take into account:

'the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.'

Paragraph 011 to section 17a of the NPPG states that the issuing of an approval for a non-material amendment application:

'...only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.'

Section 96A of the Town and Country Planning Act 1990 also allows for new conditions to be imposed, or existing conditions to be removed or altered in the issuing of a decision for a non-material amendment application.

The proposal seeks to alter the pitched roof to a mono-pitch roof on the side elevations. The proposed development would increase the ridge height of the roof by approx. 1m. This would be clearly visible from the highway and it is in close proximity to existing neighbours. This would have a greater impact on the neighbours in terms of design and would affect the character of conservation area. This is considered to substantially alter the overall appearance and character of the host property and would be considered more than a non-material change.

The proposal also seeks to insert three windows on the side elevation - these would not be visible from the highway and would be obscured to protect privacy to neighbours. They would not substantially alter the appearance or character of the proposed extension or the host property.

The proposed amendment to planning approval 22/01492/ANM would materially alter the development's impact in terms of its design, relationship with neighbouring uses or impact on the character and appearance of the surrounding area. The amendments would result in greater material impact than the development as previously approved and, therefore would not constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

Refuse

1. In accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015, the revised details submitted cannot be considered as a non-material amendment to the existing planning permission. The revisions proposed are considered to be a material change to the visual appearance of the buildings in close proximity to neighbouring properties and therefore require the submission of a new planning application.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans:

Location Plan

Housetype A Plans and Elevations – siddall/02 rev B

Housetype B Plans and Elevations – siddall/03 rev B

Proposed Site Plan – siddall/01 rev B

Report Author Aimee Bovaird